

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. BANK, NATIONAL ASSOCIATION, in its
capacity as Trustee, JOSHUA N. TERRY, AND
ACIS CAPITAL MANAGEMENT, L.P.,

Plaintiffs,

-against-

THE CHARITABLE DONOR ADVISED FUND,
L.P., CLO HOLDCO LTD., AND NEXPOINT
DIVERSIFIED REAL ESTATE TRUST,

Defendants.

Case No. 1:21-cv-11059 (GHW)

NOTICE OF APPEAL

Notice is hereby given that Defendant Nexpoint Diversified Real Estate Trust (“NexPoint”) in the above-named case appeals to the United States Court of Appeals for the Second Circuit from the Memorandum Opinion & Order [Dkt. 261] entered on March 1, 2024, dismissing NexPoint’s counterclaims against Plaintiffs/Counter-Defendants Acis Capital Management, L.P. and Joshua N. Terry and Counter-Defendant Brigade Capital Management, LP.

The above-referenced Order became final on March 10, 2025, when the remaining claims herein were dismissed with prejudice [Dkt. 322, Stipulation of Voluntary Dismissal].

Dated: March 18, 2025

Respectfully submitted,

SBAITI & COMPANY PLLC

Mazin A. Sbaiti

Mazin A. Sbaiti

New York Bar No. 4339057

mas@sbaitilaw.com

Griffin S. Rubin (Admitted *Pro Hac Vice*)

Texas Bar No. 24121809

gsr@sbaitilaw.com

Kevin N. Colquitt (Admitted *Pro Hac Vice*)
Texas Bar No. 24072047
knc@sbaitilaw.com
2200 Ross Avenue, Suite 4900W
Dallas, TX 75201
T: 214.432.2899
F: 214.853.4367

**COUNSEL FOR DEFENDANT NEXPOINT
DIVERSIFIED REAL ESTATE TRUST**